

ZONING BOARD OF ADJUSTMENT
MEETING OF FEBRUARY 22, 2011
MINUTES APPROVED MARCH 21, 2011



PRESENT: S. Bogert, **Chairman**; S. Perley, **Vice Chair**; R. Tautkus, **Secretary**; J. Tivnan, **Alternate**; M. Foote, **Alternate**

ABSENT: D. Greski; O. Gibbs; S. Saunders, Planning Director

S. Bogert called the February meeting to order at 7 PM. He introduced the new board member, Michael Foote, to the board and welcomed him. S. Bogert explained how the alternates work. He seated M. Foote and J. Tivnan as full board members for the evening.

HEARINGS:

The applicant is requesting 4 signs and 117.75 SF of signage in the DR Zone where 2 signs and 96 SF of signage are allowed.

S. Bogert asked the applicant if both hearings could be combined and then the votes held separately. The applicant agreed.

Application # 2011-0001	MSL # 442-142-46	DR Zone
Landwild Holdings	426 Main Street	Variance

The applicant is requesting a two part variance from 235-58, Table VI, Table of Sign Regulations.

The first part of the request is from 235-58 (A) in order erect 4 signs in a zone where only 2 signs total are allowed.

The second part of the variance is from 235-58 (A) is to allow one wall sign to be 39.5 SF, where the maximum size is 24 SF.

Application # 2011-0002	MSL # 442-142-46	DR Zone
Landwild Holdings	426 Main Street	Variance

The applicant is requesting a three part variance from 235-58, Table VI, Table of Sign Regulations.

The first portion is from 235-58 (B) in order to erect 2 freestanding (or pylon) signs where only 1 freestanding sign is allowed per site.

The second portion is from 235-58 (A) to allow one of the freestanding signs to be larger than the allowed 24 SF. The existing freestanding sign, that the applicant is proposing to move, is 48 SF.

The final portion of this variance is from 235-58 (A) to allow 117.75 SF in a zone where 96 SF is permitted.

Applicant: Tom Volpe appeared. He is the owner of the Melcher & Prescott Insurance Agency. He gave the history of the agency, stating that their business is the oldest in the city. They moved to their current location from 480 Main Street. They had been located there since 1886. They are now moving across the street, from 423 to 426 Main. He introduced Randy Bartlett of Barlo Signs.

Randy Bartlett appeared from Barlo Signs. He brought color photos for the board members. He said there are unique circumstances on the site. He stated that our zoning regulations do not deal with corner lots. He said that everything they are asking for is well within the spirit of the ordinance and that they are not asking for anything overbearing.

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R. Bartlett said their first thought was to come with a 3 sided sign as the current sign only faces north towards the parking garage. It is now a 2 sided sign which won't catch all the traffic. There is currently a 2 sided sign there now. If you are standing at the jeweler's you can't read the copy there now. He said they need a sign that is legible from all angles.

R. Bartlett stated that on the side of 426 Main, closest to the Belknap Mall, the M & P logo is used for directional purposes. He said there will be other tenants in this building.

T. Volpe said that the other tenants will be professional offices and only have signs once you come into the building. There will be nothing on the exterior except for wall plaques. S. Perley asked for clarification, stating that they are already asking for 4 signs and more square footage than what is allowed.

Discussion on additional signage for those tenants was discussed and clarified. The board let the applicant know that the additional tenants will not be able to have any signage outside.

R. Bartlett added that they are changing from 25 SF to 20 SF on the smaller freestanding sign.

R. Bartlett said that, coming from the south, there is no way to identify Melcher Prescott until you get to the intersection. He said that businesses suffer if not properly identified. The setback for the freestanding sign was discussed and clarification will be needed on that as it was not indicated in the variance request.

R. Bartlett stated that other businesses have larger signs here. Northway Bank has a larger sign. Vista is in a different zone, Commercial, and have a larger sign. MVSB has a larger sign. Landmark has one. The signs being requested tonight would fit into the neighborhood. S. Perley said this business is not located in the same zone, though.

R. Bartlett said Northway's sign is larger, and they are located in the same zone. There is also a residential home here which has a large sign. He feels their request is within the spirit and intent of the ordinance.

He stated that the business needs the 2nd pylon sign for people coming from the south. He feels there is a safety concern, as people will miss the entrance and have to turn around and go back to access the site.

He said that the size of the wall sign is over what is allowed in the zone. They designed a series of signs both larger and smaller. R. Bartlett said that signage for businesses are for aesthetic purposes as well. The proposed sign is good looking and is not excessive. He said to look at the distance needed to read the sign; 24 SF is not enough to properly identify the site. They need entrance signage.

R. Bartlett passed out pictures of signs to figure out how signage is determined. He said that we determine only by letters, not the base. K. Snow explained that is how we determine square footage and showed him how it is figured; we do not include the base. R. Bartlett said their sign is in keeping with signage in the area - Northway, Landmark, etc, so they are not requesting anything that is out of the norm for the area.

R. Bartlett said the proposal will not be contrary to the public interest. The 37 SF wall sign is only minimally larger than permitted. The larger freestanding sign with the digital board fits the requirements if we use his measurements but he understands the Board has told him he needs to follow city requirements for measuring the sign. He needs more signage for this business and he feels the ordinance doesn't work on multi frontage lots such as his.

The spirit of the ordinance is observed, per R. Bartlett, as the signage will encourage effective communication. It is an aesthetic enhancement to the site and is not obtrusive. The wall sign is back lit, with black letters, which creates a halo effect, and gives the sign professional appeal. This type of sign doesn't emit a lot of light so it won't be as obtrusive as CVS or other businesses located in the area.

The signs will give direction so they won't adversely affect public or private property. R. Bartlett said that we cannot assume that everyone knows where this business is located even though they have been around a long time. Signs are needed to direct traffic into the site.

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Substantial justice is done as the signs will allow the business to continue to enjoy the same signage that they currently have at their present location. They just want to move and add to their existing freestanding sign.

This proposal will not diminish the values of any surrounding properties.

Literal enforcement of the ordinance will result in an unnecessary hardship. People cannot see the signs from all angles due to the intersection. The business owner will be forced to reduce the signage that they currently have.

They have frontage on 2 well traveled roads. They feel it is reasonable to request this variance.

Board: S. Perley asked R. Bartlett to review picture E, with the logo on the back. She asked how many square feet this sign is. The square footage was reviewed and figures were discussed.

M. Foote asked about the background and if that is included. He asked about squaring off the sign.

R. Bartlett said he doesn't feel that the signs were figured the same way. He said the wall sign and the freestanding were figured differently.

M. Foote asked for clarification on height. S. Perley asked about the v-shape of the sign, being a two sided sign. K. Snow said she still thought it was a two sided sign but that S. Saunders would have to make that final determination. M. Foote said he feels the sign is wider than normal, and that he doesn't think it meets the definition of a two-sided sign.

R. Bartlett said the case in point is a visibility issue: people need to be able to read the sign. The company has a large name, and studies show you can only see an 8" letter from 100 ft away. He added that it is hard to read now.

S. Bogert said that issue is not unique to this property. Any property needs signage. R. Bartlett said it is still a hardship. S. Bogert said that each of the different zones in the City have different conditions an applicant is required to meet. R. Bartlett said if you are driving slower, or going down a side street, then the visibility issues are different. He said he feels there is a visibility hardship here and S. Bogert said it is not tied to this property. It is not unique to the property.

S. Perley said she feels they need to stay within the allotted 96 SF.

S. Bogert said he feels the wedge is not a double sided sign as they aren't connected. He said he feels that the Planning Director should be in attendance in order to answer questions here. He wonders if the 2006 sign was done properly.

R. Bartlett asked if this would be continued tonight and S. Bogert said he would ask the board for their opinion.

R. Bartlett asked about the v-shaped sign. If it determined that is all right, should he try to return with an application that falls within the 96 SF. S. Perley said yes, the board feels it is easier to deal with the number of signs than the square footage issue.

R. Bartlett asked if they agree tonight to meet the 96 SF, is there a way to clear up the interpretation of the v-shaped sign. S. Bogert replied no, he wants the input of the Planning Director on that.

R. Bartlett said that they will return for the 96 SF. He said he feels they do have a hardship, and that our by-laws don't give consideration to the frontages on corner lots.

S. Bogert said that he feels the board should table the hearing until the meeting of March 14th so S. Saunders can be in attendance to clear up some of the questions presented.

Motion: S. Bogert moved to table applications # 2011-0001 and 2011-0002 until the ZBA meeting of March 21. S. Perley seconded and all voted in favor of tabling the applications, 5-0.

OTHER BUSINESS:

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Election of Officers for 2011:

S. Perley moved to nominate S. Bogert as chair, and R. Tautkus made the second. S. Bogert stated that he had no problem with remaining as chairman for another year if the board agreed. All voted in favor, 5-0.

S. Bogert nominated S. Perley as vice-chairman. R. Tautkus seconded and all voted in favor, 5-0.

R. Tautkus said she is probably moving out of Laconia before the April meeting so would not be available for the secretarial position as she would be leaving the board. It was decided to leave that position open for the time being. S. Perley said she would review the minutes until further notice.

NOA: The NOA for 11 Walker Street was discussed and the total amount of square footage was discussed. The board will make that decision at the March meeting as the revised NOA was not included with the packet.

MINUTES: The minutes from the ZBA meeting of December 20, 2010 were reviewed. S. Perley made several small corrections to the minutes. The motion to accept the revised minutes was made by R. Tautkus and seconded by J. Tivnan. The vote to approve was 4-0. (M. Foote did not vote as he was not a board member in December.)

ADJOURNMENT: S. Bogert moved to adjourn the meeting with the second by J. Tivnan. All voted in favor, 5-0, and the meeting adjourned at 8:30 pm.

Respectfully Submitted:

Kristine Y. Snow
Zoning Technician